

USAWC STRATEGY RESEARCH PROJECT

Homeland Security--Can It Be Done?

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The views expressed in this academic research paper are those of the author and do not necessarily reflect the official policy or position of the U.S. Government, the Department of Defense, or any of its agencies.

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ABSTRACT

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The terrorist attacks of September 11, 2001 set off a frenetic chain of events in America. On June 6, 2002 the President announced his proposal to create the Department of Homeland Security (DHS), and forty days later on July 16, 2002 the Office of HLS released the first-ever National Strategy for Homeland Security. But the relationship between the strategy and the reorganization proposal is not at all clear. The strategy is more of a long list of things that need to be done, and less of a strategy that articulates ends, ways, and means that work in concert to achieve specific goals in the context of certain threats. The purpose of this paper is to examine the new HLS strategy within the strategic framework of ends, ways, and means, and to critique the proposal for the new DHS. The analysis will present the argument that the first focus of the strategy should be on a new deterrence that prevents terrorists and their material from entering the United States. An optimal organization to implement this new deterrence is one that taps into existing HLS capabilities of federal agencies, without owning them and their non-HLS functions.

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HOMELAND SECURITY--CAN IT BE DONE?

WHY HOMELAND SECURITY?

The day September 11, 2001 marked the end of an era. On that day, a band of Middle Eastern terrorists with box cutters commandeered four U.S. commercial jetliners for a suicide mission. Two of the jets were flown into the World Trade Centers in Manhattan, causing them both to collapse. A third airliner was flown into the Pentagon, and the fourth, destination unknown, crashed into a Pennsylvania field as a result of intervention from desperate passengers. The end of history was rudely shattered, as America's illusion of security, sense of complacency, and triumphalism were abruptly dispelled by a series of brutal acts that were simply audacious and unfathomable.¹ Everything about the world seemed to change in an instant.

In the past five years, several private studies and government commissions highlighted terrorism as an emerging asymmetric threat that warranted greater consideration. The 1997 Quadrennial Defense Review listed homeland defense first among the vital national interests that it identified, and the 1997 National Defense Panel recommended that National Guard units be assigned this new mission area. Three years later, the Hart-Rudman Commission, formally known as the Report of the United States Commission on National Security/21st Century, went as far as to predict that "in the next two decades, Americans will likely die on American soil, possibly in large numbers."² In 2001, the various reports also generated legislative proposals to create a National Homeland Security Agency and a National Homeland Security Strategy to coordinate and integrate federal, state, and local homeland defense efforts. But in spite of these reports, proposals, admonitions and several congressional actions, the idea of homeland defense still retained an air of abstraction. As a preeminent military and economic power insulated by two oceans and two friendly neighbors, America seemed invulnerable--until September 11, 2001.

AFTER THE ATTACK

The day following the coordinated and devastating attacks, page one of the Washington Post carried a quotation by the President. He stated, "the nation must understand, this is now the focus of my Administration. Now that war has been declared on us, we will lead the world in victory."³ This declaration set off a frenetic chain of events. America's military deployed to the Middle East to lead the Global War on Terrorism. At home, a different sort of mobilization was taking shape across America as government at all levels embraced the mantle of homeland

security (HLS), the new watchword of the young Bush Administration. On October 8, 2001 the Office of Homeland Security in the White House was established by Executive Order and newly appointed Governor Ridge was charged with the responsibility of overseeing and coordinating the federal government's HLS activities. By October 29, 2001 the President chaired the first meeting of the Homeland Security Council, established by Presidential Directive One. And on November 19, 2001 the President signed the Airport Security Federalization Act of 2001, establishing the Transportation Security Agency (TSA) under the Department of Transportation, making airport security a federal responsibility.

This government hyperactivity continued to cascade related initiatives, such as Executive Orders, new legislation, agency reorganizations and task forces, culminating with a presidential proposal on June 6, 2002 to create the Department of Homeland Security (DHS). Forty days later on July 16, 2002 the Office of Homeland Security released the first-ever National Strategy for Homeland Security. Remarkably comprehensive, the new HLS strategy has yet to be faulted for omission of pertinent details. However, the recommendation to create a new cabinet level department for HLS was a different story.

The department proposal quickly became mired in partisan politics because the Administration asked for new flexibility in applying established personnel rules to both reward and correct individual employees during the transformation from the old work environment to the new.⁴ The concern was for worker's rights, as the reorganization could become an easy way to do some much-needed house cleaning in the bureaucratized and balkanized personnel system of the federal government. It was only after the November 5, 2002 elections when the Republicans won the majority in both the House and Senate that the HLS bill sailed through Congress. As former Defense Department Chief Information Officer (CIO) Arthur Money put it, "the election sent a message that the American people want to move on and get past the shenanigans in Congress and implement homeland security strategies."⁵

The new DHS is scheduled to move 22 federal agencies and consolidate 170,000 federal workers beginning March 1, 2003, the most extensive government reorganization in over 50 years. And the new HLS strategy should come to life within the architecture of the new department, by articulating HLS objectives, identifying resources to meet objectives, and delineating ways to apply and organize the resources. Yet the department design was announced before release of the strategy, even though strategy usually drives the necessary organizational changes. The President explained the horse before the cart scenario by saying "creation of the new department is paramount for implementing the new strategy,"⁶ so the Administration moved quickly on the proposal before the end of the congressional session.

Regardless, with a new HLS strategy that thought of everything and a new department whose primary mission is HLS, America is ready to tackle the formidable task of securing the homeland. Or is it?

Thirteen months after the terrorist attacks, the Council on Foreign Relations released an independent study entitled, "America Still Unprepared--America Still in Danger." The following is an excerpt from the executive summary:

"A year after September 11, 2001, America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil. In all likelihood, the next attack will result in even greater casualties and widespread disruption to American lives and the economy. The need for immediate action is made more urgent by the prospect of the United States going to war with Iraq. After a year without a new attack, there are already signs that Americans are lapsing back into complacency. Also, a war with Iraq could consume virtually all the nation's attention and command the bulk of the available resources."⁷

To name a few, the report highlights continued vulnerability with 650,000 local and state police officials that continue to operate in an intelligence vacuum, and millions of shipping containers that enter our country without inspection. The report makes a strong assertion that "America's own ill-prepared response can do more damage to its citizens than any single attack by a terrorist."⁸ How can such a dismal assessment come in the wake of such abundant and energetic governmental efforts to bolster HLS? Perhaps part of the answer lies in the new HLS department and strategy.

The purpose of this paper is to examine the new HLS strategy within the strategic framework of ends, ways, and means, and to critique the proposal for the new DHS. The analysis will present the argument that the first focus of the strategy should be on deterrence that prevents terrorists and their material from entering the United States. Otherwise the strategy impossibly attempts to defend everything, everywhere, all the time. From this perspective, creating a department that purports to be the centerpiece of a sweeping solution that may be unsolvable only creates the illusion of solvency and effective national action.⁹ Thus far, our governmental response to 9/11 has been reactive. Even though the need to secure the homeland is increasingly urgent, our response at this point should be conversely measured yet expedient. For example, focus on the first objective of the strategy to prevent terrorist attacks in America and consolidate only those government agencies that pertain to border and transportation security. Leave the rest to task organization that taps into existing HLS capabilities of federal agencies, without owning them and their non-HLS functions. Not only

does this address the most compelling need up front, but also allows for the inevitable growing pains associated with a new mission of this magnitude.

THE NATIONAL STRATEGY FOR HOMELAND SECURITY

Prior to September 11, 2001, HLS was addressed in both the National Military Strategy (NMS) and the National Security Strategy (NSS). The September 1997 NMS relegated HLS to the areas of "regional dangers, asymmetric challenges, and transnational dangers."¹⁰ In the December 2000 NSS, protecting the homeland covered such areas as missile defense, combating terrorism, domestic preparedness against weapons of mass destruction (WMD), critical infrastructure protection, and emergency preparedness.¹¹ These abstract tenets for homeland security only had meaning in the larger context of our ability to respond to threats and crises, with the emphasis on military might, economic prosperity, and democratization. Even though there is mention of potential threat to U.S. homeland and population, the threat is implied and lost in the apparent insularity of America's shores. A year after the attacks, the 2002 NSS was released. The President writes, "Enemies in the past needed great armies and great industrial capabilities to endanger America. Now, shadowy networks of individuals can bring great chaos and suffering to our shores for less than it cost to purchase a tank."¹² Reflecting a dramatically changed strategic environment amidst the themes of human dignity, free trade, free governments and military partnership, the fight against terrorism is woven throughout the document. The details to secure the homeland are left to the first-ever National Strategy for HLS, released a few months earlier.

The National Strategy for HLS is an 88-page document that details a "complex mission that requires coordinated and focused effort from our entire society--the federal government, state and local governments, the private sector, and the American people."¹³ Because there are 87,000 different jurisdictions in the U.S., the strategy adheres to federalism--the idea that the federal government shares authority, responsibility, the mandate for action, and the struggle for resources with state and local governments and private sector.¹⁴ The Tenth Amendment actually reserves to the states and to the people all power not specifically delegated to the federal government, so programs or initiatives below the national level are suggestions, not mandates.¹⁵ A few examples are standardization of content and format of state driver's licenses and urging states to enact uniform laws to license and regulate certain financial services, since terrorists exploit such services.

The strategy also takes care with definitions of terrorism, homeland security, and critical infrastructure, with deliberate avoidance of special interest groups and political agendas. The

theme of accountability reverberates throughout the document--the path to HLS requires clear organization, consolidation of authority, and then holding someone responsible for performance.¹⁶ This same accountability bleeds into fiscal management of the HLS program. In an effort to balance benefit and cost, spending on HLS activities must strike a balance between scarce resources and expenditure on the right activities. As a result, the argument for spending constraints and fiscal responsibility is clearly part of a larger concern about the vulnerability of the economy as a whole--either as a target of direct attack or as a victim of misallocated resources and overspending.¹⁷ These sensitivities lend to the strength of the document, even with the acknowledgement that it is a beginning or first step in the long road to secure the U.S. homeland from terrorist attacks. However, its objectives and resources lack a strategic connection to defeating an enemy or advancing our interests. Rather, the focus is on our vulnerabilities.

In the HLS strategy, the **ends** or objectives are clear: prevent terrorist attacks in America, reduce our vulnerability to terrorism, and minimize the damage and recover from attacks that happen. Because there are no operational objectives where progress is measured against specific yardsticks, the ends are more of a high level statement of what is trying to be accomplished.¹⁸ The risk here is to declare success too soon, and view the absence of terrorism as evidence of better border security rather than the absence of any attempts at terrorism.

The **means** or resources are varied and many. They start with American citizenry, from first responders, to law enforcement, to scientists, to military. And every federal dollar spent for HLS has to tie back to one of the six critical mission areas: intelligence and warning, border and transportation security, domestic counterterrorism, protecting critical infrastructure, defending against catastrophic terrorism, and emergency preparedness and response. The strategy also lists four foundations or strengths that cut across all mission areas and all sectors of government and society: law, science and technology, information sharing and systems, and international cooperation.¹⁹ These ten areas are the basic categorization of all HLS activities, with 84 specific or major activities and new initiatives articulated throughout.²⁰

Where the strategy becomes murky is in the area of **ways** to apply, organize, or prioritize the resources. Even with the new HLS department as the bedrock for implementation, the relationship between the strategy and the reorganization proposal is not at all clear. The strategy is more of a plan or an all-inclusive list of what must be done, and "less of a strategy that articulates how, who and what will work in concert to accomplish the desired goals or missions in the context of certain threats."²¹ With the focus on our vulnerabilities, a

comprehensive approach to protection of a certain site or sector only shifts the risk to another site or sector. Therein lies the greatest challenge.

Given the vast number of vulnerabilities inherent to our free society, and given the absence of clearly established national priorities, billions of taxpayer dollars could be spent and little meaningful progress be made toward protecting our homeland from future terrorist threats or attacks.²² A partial explanation lies in the nature of the threat itself. Terrorists are increasingly capable strategic actors that choose their targets deliberately based on the weaknesses they observe in our defenses and preparedness.²³ Their numbers are unknown, yet fluctuate as we bring them to justice or inspire others to rise against us. The defender must be successful everywhere all the time--the attacker needs to be lucky once.²⁴

That said, it is impossible to reduce our vulnerability to zero. Therefore the new strategy must make hard choices, as new proposals to protect every aspect of the nation's infrastructure are proliferating even faster than the threats that generate them. For this reason, net assessment is more important than threat assessment. Net assessment is the relationship between the strength of the enemy and the strength of America--it is the comparison of threat to vulnerability and the nexus of threat and vulnerability that matters most.²⁵ Understanding that nexus will allow us to better understand the real dangers that we face, and better facilitate long-term planning and budget allocations.²⁶ For failure to do so could present the greatest danger--rampant government spending to support poorly prioritized programs born of inadequate risk assessment. A better approach is to recognize and apply the strategy as one of layered defense, or a new deterrence.

THE NEW DETERRENCE

In his article, "Reading Strategy Between the Lines," Michael Donley argues the need to call the HLS strategy for what it is, "a strategy of layered defense--deterring, preventing, and defending against terrorist attacks through geographic layers starting abroad and leading to the interior U.S."²⁷ The five layers are: **1)** Coordinated diplomatic, military and intelligence assets to find, track, and defeat terrorists abroad **2)** U.S. border and port security consolidated under a single organization to raise effective barriers at U.S. ports of entry **3)** strengthened coordination between federal, state, and local law enforcement to detect, track, and defeat foreign and domestic terrorist activities **4)** strong cooperation across the public and private sectors to protect critical infrastructure and **5)** better preparation for terrorist incidents by improving capability of first responders and their access to federal information and assets.²⁸ It helps to visualize five mutually supporting, concentric circles that begin with defeat of terrorists

abroad and lead to the inner circle of our response should all other circles be penetrated, as shown in **Figure 1**.

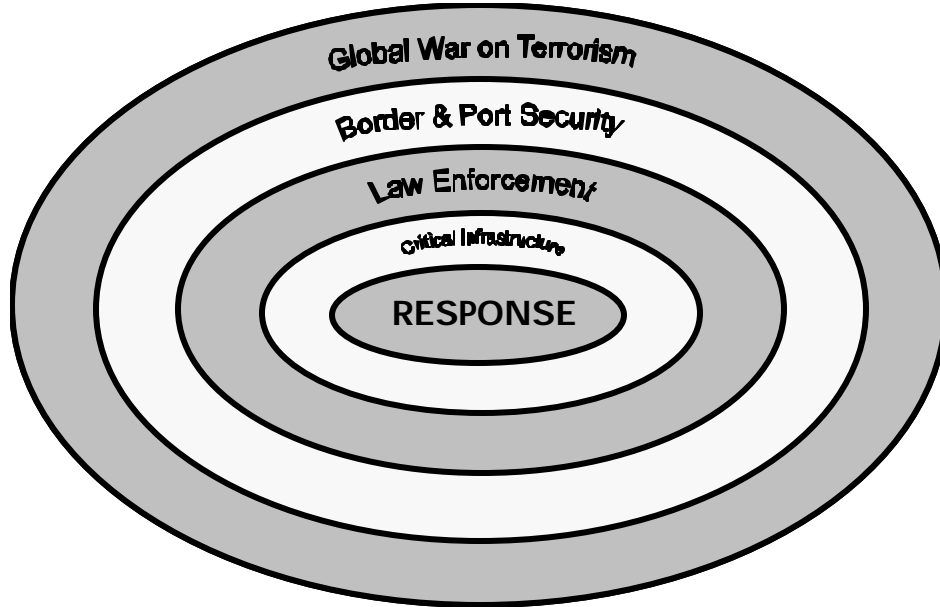


FIGURE 1

The first layer is the Global War on Terrorism (GWOT). The HLS strategy, by design, does not deal with the international dimension of HLS or the GWOT, even though they should be integrated. The decision to separate them was for the sake of expedience, to deliver the best strategy that worked for the country at this time and for this President and this Administration.²⁹ So the HLS strategy begins with the second layer, where its focus first and foremost should be on deterrence or prevention--by ensuring terrorists and their material do not enter the U.S. Even though the strategy alludes to international cooperation (pgs. 59-61), it speaks mainly to enhanced law enforcement at home, the third layer of defense. The fourth layer will require unprecedented partnership with private industry, as stakeholders vested in the security of their critical infrastructure. If these deterrence measures fail or are compromised, the fifth layer or inner circle is our enhanced response to minimize the damage and recover from attacks that happen. This logical approach would help individuals at the federal, state, and local level understand their role in the larger picture.

In this context, deterrence becomes the central element of the HLS strategy. But our traditional deterrence model is inadequate in a world in which suicide missions are common, commercial objects can be used as weapons, attacks can be launched anonymously, and

adversaries may occupy no sovereign territory that can be held at risk.³⁰ The new deterrence will employ institutions, methods, and programs that heretofore have not been considered elements of deterrence, for example "smart borders" to prevent terrorists and their material from entering the U.S. For in all likelihood, the HLS strategy will ultimately be judged on its first objective--to prevent terrorist attacks in America. The best way to do this is to prevent terrorists and their material from entering the country. Then the HLS strategy can do better than simply provide a list of what must be done--it can provide prioritized direction within a strategic framework. But more importantly, the strategy can illuminate the necessary organizational changes, rather than defer to the ambiguous need for a Department of Homeland Security (DHS).

PROPOSAL FOR THE DEPARTMENT OF HOMELAND SECURITY

"The changing nature of the threats facing America requires a new government structure to protect against invisible enemies that can strike with a wide variety of weapons. Today no one single government agency has homeland security as its primary mission. In fact, responsibilities for homeland security are dispersed among more than 100 different government organizations. America needs a single, unified homeland security structure that will improve protection against today's threats and be *flexible* enough to help meet the unknown threats of the future. The President proposes to create a new Department of Homeland Security, the most significant transformation of the U.S. government in over a half-century by largely transforming and realigning the current confusing patchwork of government activities *in a single department whose primary mission is to protect our homeland.*"³¹

With this succinct justification and after review of eight different organizational designs, the Administration decided on a four-pillared structure for the new department: border and transportation security; emergency preparedness and response; chemical, biological, radiological and nuclear countermeasures; and information analysis and infrastructure protection. **(Figure 2)**

Department of Homeland Security

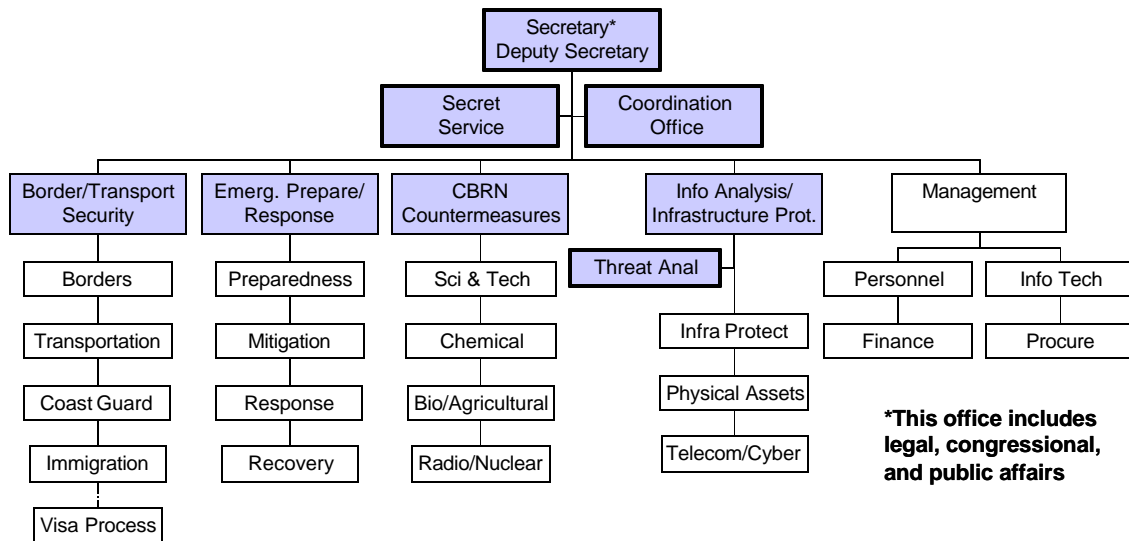


FIGURE 2

BORDER AND TRANSPORTATION SECURITY

This division would manage who and what enters our homeland, and work to prevent the entry of terrorists and the instruments of terrorism while simultaneously ensuring the speedy flow of legitimate traffic.³² It would consolidate U.S. Customs Service (currently in Dept of Treasury), Immigration and Naturalization Service (INS) and Border Patrol from Department of Justice (DOJ), Animal and Plant Health Inspection Service (Dept of Agriculture), and the Transportation Security Agency (TSA) from Department of Transportation (DOT). The Federal Protective Service, currently a part of General Services Administration (GSA), the Federal Law Enforcement Training Center (Dept of Treasury), the Coast Guard and Immigration and Visa Services would also fall under this division.

EMERGENCY PREPAREDNESS AND RESPONSE

The four sections of this division are preparedness, mitigation, response and recovery. The Federal Emergency Management Agency (FEMA) is the key component, along with several Health and Human Services (HHS) activities--the Office of Emergency Preparedness, Chemical, Biological, Radiological, and Nuclear Response Assets, the Metropolitan Medical Response System, the National Disaster Medical System, and the National Pharmaceutical Stockpile. Additionally, this division includes Nuclear Incident Response Teams from Department of

Energy (DOE), the Office of Domestic Preparedness (DOJ), and the National Domestic Preparedness Office from the Federal Bureau of Investigation (FBI).

CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR (CBRN) COUNTERMEASURES

This department would lead the federal government's efforts in preparing for and responding to the full range of terrorist threats involving weapons of mass destruction--a single office whose primary mission is to protect the U.S. from catastrophic terrorism.³³ The four sections are Science and Technology; Chemical; Biological/Agricultural; and Radiological/Nuclear. This division would consolidate disparate research and development programs of the Executive Branch, such as Civilian Biodefense Research Programs (HHS), the Biological and Environmental Research Program and the Environmental Measurements Laboratory (DOE), and the National Bio-Weapons Defense Analysis Center from Department of Defense (DOD). It would also include Lawrence Livermore National Laboratory (DOE) and Plum Island Animal Disease Center (Dept of Agriculture).

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

The four sections of this division are infrastructure protection; physical assets; telecommunications and cybersecurity; and threat analysis. Its purpose is to evaluate vulnerabilities of America's critical infrastructure, and work with federal, state and local officials and private sector to protect high-risk targets. These targets include food and water systems, agriculture, health systems and emergency services, information and telecommunications, banking and finance, energy (electrical, nuclear, gas and oil, dams), transportation (air, road, rail, ports, waterways), the chemical and defense industries, postal and shipping entities, and national monuments and icons.³⁴ Additionally, this division would fuse and analyze intelligence and other information pertaining to threats to the homeland from multiple sources--including Central Intelligence Agency (CIA), National Security Agency (NSA), FBI, INS, Drug Enforcement Agency (DEA), DOE, Customs, DOT and data gleaned from other organizations.³⁵ These missions would include consolidation of the following agencies: the Critical Infrastructure Assurance Office (Dept of Commerce), the National Communications System (DOD), the National Infrastructure Protection Center (FBI), the National Infrastructure Simulation and Analysis Center and the Energy Assurance Office (DOE), and the Federal Computer Incident Response Center (GSA).

OTHER KEY COMPONENTS

The department would have two agencies that report directly to the Secretary: the Secret Service (Dept of Treasury), and the Office for State and Local Government Coordination that coordinates federal HLS programs with state and local officials. As with any cabinet level department, there are management and administration offices such as legal, congressional, public affairs, human capital, finance, information technology, and procurement.

ANALYSIS OF THE PROPOSAL

Upon first consideration, the proposal for a new DHS seems like a great idea. The department would make America safer because our nation would have one department whose primary mission is to protect the homeland; one department to secure our borders; one department to synthesize HLS intelligence; one department to communicate with state and local governments, private sector, and the American people about threats and preparedness; one department to help train and equip first responders; and one department to manage federal emergency response activities.³⁶ This massive government reorganization could ultimately eliminate duplicative efforts among agencies and barriers to communication between federal, state, and local authorities. Upon further consideration, however, the proposal suggests a typical Washington D.C. response to any crisis--rearrange boxes on the organizational chart and add bureaucracies.

Responding to the embarrassing revelations that the CIA and FBI possessed information that foreshadowed the terrorist attacks on September 11, the President, in a flip-flop, endorsed a DHS.³⁷ Yet the CIA and FBI are conspicuously absent from the reform initiative. Further, congressional banter on the subject has been focused on whether or not to create the new department, with little debate on whether the proposed department is a wise course for our national security. In fact, the proposal received very little scrutiny with the Executive branch before it was announced, as most subject matter experts were not consulted on the pros and cons of the choices the Administration made. The argument for the new department seems to rest on the implicit assumption that effective action depends on bringing into a single entity as many of the HLS-related activities as possible.³⁸ This argument breaks down within the very details of the reorganization.

The department proposal in its entirety leaves fully three-quarters of the federal government's entities involved in HLS outside the DHS--among the most critical of these are the FBI, CIA, DOD, and the Center for Disease Control (CDC). So would the DHS be too small, since all federal agencies have a role in HLS and all are required to do the whole job? Still the

DHS would create the third largest bureaucracy in federal government, behind DOD and Veterans Affairs. The projected personnel size is said to be 170,000, but will be closer to 200,000 after the hire of additional baggage screeners by TSA. The management challenges of such an organization will be colossal. Even a whiff of reorganization paralyzes a government organization, as employees slow down or stop work altogether to speculate about reductions in force or lateral transfers.³⁹ Managers will be forced to sort through the confusion amidst 80 different personnel systems mixed in and among the agencies, not to mention 18 separate employee unions. Much of this complexity is a result of government reinvention campaigns during the 1990s, when many agencies opted for highly customized solutions, replacing old systems with highly stylized alternatives that fit what they saw as unique missions and very different customers.⁴⁰ Customer satisfaction aside, it could take years, if not decades, to harmonize this cacophony of management systems designed more for difference than commonality. Unfortunately, this type of organization does not learn well. Where hierarchical and horizontal divisions are strong, free flow of information is obstructed. Different sectors of the organization often operate on the basis of different pictures of the total situation, pursuing subunit goals almost as ends in themselves.⁴¹ These distinctions create political systems or unique cultures within the organization. The DHS will not create this complexity, but will inherit it with every government agency that it acquires. As a result, the new DHS will also be a patchwork of agencies that require adaptive, agile, and flexible managerial leeway in order to get off the ground. Or worse, as in the case of research and development, the DHS will fail to present a compelling case that consolidation offers clear benefits.

The CBRN Countermeasures division of DHS would take responsibility for certain aspects of CBRN terrorism and focus on developing better antidotes to biological attack (includes terrorism against agriculture) and better detectors for nuclear or radiological materials.⁴² But the proposal creates an artificial divide between civilian research and security-related research by leaving natural disease research in HHS and putting biological weapons research in DHS, even though both are inextricably linked and benefit from collective effort.

The same reasoning applies to the three nuclear weapons national laboratories, where Livermore is moved to DHS but Los Alamos and Sandia remain with DOE. Confusion arises as most of Livermore's budget moves to DHS, but most of its employees remain in DOE and report to DHS. Since funding has been generous for all three laboratories, there is risk that work at Los Alamos and Sandia will be de-emphasized. That leaves a strong argument to leave the laboratories under DOE, where the organizational culture is sound and nuclear weapons have been the central emphasis. Before moving on this "fast-track" reorganization, Congress should

invite the Administration to report back in a year on how it believes HLS-related research and development--including, but not limited to CBRN countermeasures--can best be supported.⁴³

Only then can a deliberate decision be made on which, if any, research and development agencies move to DHS. The opposite can be said for the threat analysis division of DHS, as this function is additive rather than a consolidation of similar efforts.

The congressional inquiry concerning what went wrong in relation to September 11 has focused heavily on the role of intelligence collection, analysis and information sharing, and the appropriate roles of the key components of the intelligence community, especially CIA, FBI and NSA.⁴⁴ Governor Ridge explains how the threat analysis division will rectify the intelligence dilemma:

"Right now, many, many governmental organizations collect intelligence for a variety of purposes. You have the CIA and FBI, along with DOD, NSA, DEA, INS, Customs, and the Coast Guard. No single agency conducts a comprehensive analysis of that entire universe of data. The DHS will not only have access to that data, but will fuse it, analyze it for threats, and map those threats against vulnerabilities. Basically, we'll be able to put together all of the pieces of the puzzle, and depending on what the picture shows, take requisite action."⁴⁵

But only infrastructure protection and cybersecurity components of different agencies are consolidated under DHS--none from the intelligence community. That is because in law, DHS would have access to all finished intelligence with respect to terrorism, and access to raw data with respect to infrastructure if the President provides for that access. So in essence, DHS will create another intelligence layer to connect the dots and do threat analysis even though it would not have automatic access to raw threat-related intelligence unless the secretary requests and the President approves. Regardless of a mismatch between DHS's overall role and the capabilities and authority of its information component, the problem is compounded as intelligence analysts figure out what information to pass to DHS and DHS figures out what information to request. The challenges and restrictions that currently exist in intelligence sharing among agencies have not been rectified; they simply gained another player in the mix.

A similar disconnect resides in respect to critical infrastructure protection, a relatively new focus for government, in that only 6 of 12 agencies move to DHS. The best feature here is one agency responsible for public threat advisories instead of twelve. All the same, 85% of critical infrastructure is owned by private sector, where profit is likely to drive the most innovative security measures. In terms of application, private information technology companies could

spearhead the nation's cybersecurity effort. For instance, the next-generation secure computing base for Windows by Microsoft will give individuals and groups of users greater data security, personal privacy, and system integrity.⁴⁶

Throughout the debate for the need to create the DHS, reference was often made to the success of 50 years of DOD reorganization. In 1947, based on the experiences of World War II and the emerging Soviet threat, Congress passed the National Security Act. This legislation combined the War and Navy Departments in a single DOD with a civilian secretary solely in charge. However, it required 40 years, much political and bureaucratic wrangling, operational fiascoes, and at least two more major pieces of legislation (the DOD Reorganization Act of 1958 and the Goldwater-Nichols Defense Reorganization Act of 1986) before we achieved something approaching an effective operational structure for national defense.⁴⁷ Even today, the services occasionally run roughshod in DOD, and their duplication of effort and lack of coordination are legion.⁴⁸ Fortunately for the DHS, any growing pains can be addressed through subsequent reorganizations, as is always the case with government. Unfortunately, the DHS proposal forgets the lessons learned and fails to address up front some very problematic issues.

Since DHS does not have a centralized budgeting system, the constituent agencies bring to the new department their slice of the HLS budget and the Secretary may redistribute the funds as necessary. Funding issues in the federal government are never that simple, and Congress could disapprove movement of funds from one program to another.⁴⁹ The same argument could apply to acquisition of equipment. Lack of centralized procurement could present a problem as states acquire first responder equipment, with no effort at standardization or connectivity with federal agencies or other states. Although impossible to achieve with consolidation of disparate agencies, there must be a clear division between administrative and support matters and operational matters relating to HLS. In turn, there needs to be a doctrinally based, comprehensive training program at the individual and organizational level. Just as the military now trains and educates at every level from private to general and admiral, so the new field of HLS will require a career-long program of multilevel professional education.⁵⁰ As if the challenges were not great enough, the DHS must continue to ensure the importance and effectiveness of all non-HLS functions of consolidated agencies.

Although the DHS may be one department whose primary mission is to protect the homeland, that same department has a host of non-HLS activities. For example, DHS would be responsible for levying duties on goods, confiscating stolen art works, conducting search-and-rescue operations, installing and maintaining buoys, setting ship standards and mariner qualifications, carrying out research on hoof-and-mouth diseases, helping people harmed by

earthquakes, floods, hurricanes, or tornadoes, and inspecting zoos, circuses, and pet shops to ensure animals are healthy.⁵¹ It may be better to strip the HLS functions out of an agency destined to move to DHS, and leave the others in their parent organization, although there is currently no plan to do so. Besides, it would be impractical in the case of the Coast Guard whose vessels and personnel are dual use and only one quarter of its mission is HLS. Still it is imperative that all non-HLS functions not overwhelm the new department nor get lost in the chaos of reorganization--a tall order. In this regard, FEMA stands as a prudent example of when to leave well enough alone.

In 1979, FEMA was formed by merging National Fire Prevention and Control (Dept of Commerce), the National Flood Administration and the Federal Disaster Assistance Administration (Dept of Housing and Urban Development), the Defense Civil Preparedness Agency (DOD), and the Federal Preparedness Agency (GSA). Unity gave way to rivalry between the disaster function and the national security function. In 1993, the third director completely reorganized FEMA and eliminated traces of the original organizations and half of FEMA's original mission--civil defense and policy and planning for national security emergencies. After 20 years of internal strife, the disaster assistance function reigned supreme, and up until the 9/11 attacks, FEMA simply refused to pay serious attention to anything but response, mitigation and particularly recovery (in the sense of distributing disaster assistance money).⁵²

In doing so, FEMA has become an extraordinarily effective agency under the auspices of several Administrations. So it makes sense to consolidate the government's emergency preparedness and response effort in FEMA, but it makes no sense to move it to a DHS. Instead make it a super agency capable of handling emerging threats (especially CBRN) and preparing first responders to better respond to terrorist attacks--the point of contact for federal agencies that can offer assistance and a one-stop shop for state and local authorities that need such assistance.⁵³ An enhanced FEMA can better perform the entire function of the Emergency Preparedness and Response division of DHS, as well as the additive function of the government coordination office. Inclusion in DHS offers no synergy to an independent agency already focused and organized for the best efficiency in both HLS and non-HLS functions.

A review of the analysis of the HLS strategy suggests the critical need for a blueprint more focused on deterrence through border and transportation security. Although further analysis negates the need for a DHS, the structure to support such a strategy is described in the Border and Transportation Security division of the DHS proposal--a practical and beneficial consolidation of similar functions. The same cannot be said for the other three divisions. FEMA

alone can manage the response and coordination piece, and capably put an operational commander on the ground in the event of an incident. Consolidation of CBRN research efforts is premature, as evidenced by the debate on whether to vaccinate or stockpile antibiotics. The threat analysis function is additive and does nothing to fix the problems with intelligence sharing. And with infrastructure protection, many of the solutions need only be leveraged through private industry. Ironically, the optimal structure to tackle the formidable task of HLS was put in place less than a month after the September 11 attacks.

CONCLUSION AND RECOMMENDATION

When the President created the Office of HLS in the White House and put his personal friend in charge, he elevated the urgency of HLS to the forefront of his Administration. Unencumbered by a department bent on officialism, red tape, and proliferation, Ridge has the influence to sustain an operational edge in a flexible organization. He does not have to own the federal agencies that have a play in HLS, he simply has to have the authority to access their HLS capabilities. In this sense, he is like a combatant commander who gets units and personnel from the services for specific operations, but is not responsible for the day-to-day administration and logistics akin to recruitment, training, staffing, managing, and budgeting. A perfect example is the new Northern Command--a 500-person staff that must deter, prevent, and defeat threats and aggression to the United States, Alaska, Canada, and Mexico and the surrounding water out to 500 miles. This is only possible through unified action by supporting combatant commands, other military forces, federal agencies, and non-governmental organizations.

The point is, through presidential backing, task alignment and interagency coordination, Ridge and his 100-person team are in a strong position to gain the cooperation of the many cabinet secretaries and agency directors who ultimately will have responsibility for taking the actions that make our homeland safe.⁵⁴ He will not have unity of command, but he can achieve unity of purpose and unity of effort.⁵⁵ Even in the absence of budgetary and statutory authority, the clout alone, if not misused, enables Ridge to influence allocation of resources and motivate people to stay engaged in HLS. In the absence of an immediate and clear threat, this task will become more daunting, especially as time and daily preoccupations distance the nation from the horrific events of September 11, 2001. That is why a solid structure is needed to prevent terrorists and their material from entering the U.S. Three agencies--INS, Customs, and the Coast Guard--are central to this effort and would be empowered under a merger into a Border and Transportation Security Agency, along the lines of an enhanced FEMA.

Each year, more than 500 million people cross the border in the U.S., some 330 million of whom are non-citizens. The INS reports that there are about 300,000 illegal immigrants who have been ordered deported but have absconded, and the number of foreign nationals illegally in the U.S. could be 7 to 8 million.⁵⁶ To further strengthen the argument for consolidation of agencies, the following is presented:

"Currently, when a ship enters a U.S. port, Customs, INS, the Coast Guard, the Department of Agriculture and others have overlapping jurisdictions over pieces of the arriving ship. Customs has jurisdiction over the goods aboard the ship. INS has jurisdiction over the people on the ship. The Coast Guard has jurisdiction over the ship while at sea. Even Department of Agriculture has jurisdiction over certain cargoes. Under the DHS, potentially dangerous people and cargo could be seized at sea with no question about either its mission or its authority to prevent them from reaching our shores."⁵⁷

The need for this versatility would take cross training in this agency to an unprecedented level. A positive change is separation of immigration services and immigration law enforcement, increasing the efficiency of the application process yet enforcing immigration law impartially and humanely. Since visas and passports are paper products subject to compromise, border security may eventually include biometrics, which includes facial, fingerprint, and iris recognition. Taking TSA out of Department of Transportation logically separates it from a department whose primary function is the promotion and facilitation of travel, as security is costly and slows travel. The leviathan task of protecting 95,000 miles of coastline is left to the Coast Guard.

Ninety-five percent of all non-North American U.S. trade moves by sea, meaning 21,000 containers arrive in 361 ports around the nation each day, the smallest percentage of which are inspected. Consider that 19 men with box-cutters caused a successful blockade of the U.S. economy by closure of all U.S. airspace, shutdown of major seaports, and slowing of truck, automobile and pedestrian traffic across the land borders with Canada and Mexico to a trickle.⁵⁸ If one weapon of mass destruction were to detonate in a container that had arrived in a U.S. sea, rail, or truck terminal, the rippling results would likely be the same--a self-imposed global embargo.⁵⁹ The new agency could address this pervasive vulnerability with a retooled, modernized, and expanded Coast Guard. Seventeen billion dollars will be spent over the next 20 years to replace 91 cutters and 206 aircraft, to procure 80 unmanned aircraft for surveillance, and to enhance operations and maintenance.⁶⁰ The Coast Guard is also partnered with Customs in the Container Security Initiative (CSI).

The CSI consists of four core elements: using automated information to identify and target high-risk containers; pre-screening those containers identified as high-risk before they arrive at U.S. ports; using detection technology to quickly pre-screen high-risk containers; and using smarter, tamper-proof containers.⁶¹ There are currently nine other countries that have agreed to participate in this container initiative. A related enterprise is the Maritime Domain Concept, which is effective knowledge of all activities and elements in the maritime domain that could represent threats to the safety, security, or environment of the U.S. or its citizens.⁶² Much of the information needed for this type of security is already collected by the private sector as part of their just-in-time logistics systems. Lifting the restrictions for exchange and access to that information and convincing overseas trading partners to build security into the international trading system would allow us to extend that second layer of our border security at the points of origin, both here and there. Ambitious undertakings yes, but just the kind of cutting edge programs that could become the cornerstone of our new deterrence.

Unfortunately, eighteen months after the terrorist attacks and after completion of this analysis, the Administration turned on the lights in the new Department of Homeland Security. Reorganization does not necessarily translate into efficiency and effectiveness, and encouragingly enough, the Administration continues today to assess and tweak different aspects of the department's organizational design. Hopefully the department will continue to be responsive, especially since its organizational design was put together in the absence of a coherent strategy that articulated desired objectives balanced against available resources and viable threats. Even with irreversible momentum, it is not too late for the Administration to tread slowly into the reorganization, or sequentially phase it based on the most urgent need. Since it is not surprising that initial HLS efforts were strongly focused on border and transportation security, subsequent HLS energy should be as well.

A review of the department analysis shows that FEMA can already capably handle the preparedness and response function. The CBRN countermeasures division will inevitably evolve slowly as decisions are made on the right areas for research and development. It has yet to be seen whether the threat analysis function will improve intelligence processing, or sadly become part of the problem. And private industry already pursues innovative measures for infrastructure protection. This allows vigorous attention on the agencies identified for consolidation under border and transportation security. It will not be enough to simply throw money at these agencies to get them ready for game time. It will be necessary to send in a corps of change leaders skilled in blending disparate agency cultures--in other words, cross-organizational lightning rods to bridge interagency HLS gaps.⁶³

It will be necessary to show short term success, as most people will not go on the long march unless they see compelling evidence within six to eighteen months that the journey is producing expected results.⁶⁴ A couple of ways to do this would be to garner more international participation in the Container Security Initiative, or blend cultures by creating a new breed of border agent. An agent comfortable on land or water that not only has the ability to review travel documentation, or inspect a vehicle, but can also review cargo inventories or operate a radiological detection device. As people begin to see the connection between altered behavior and improved performance, a blended culture will become anchored in the new organization.⁶⁵ At this point, it would be appropriate to create a supporting strategy or a National Strategy for Border and Transportation Security, focused on deterrence and keeping terrorists and their material out of America. For if we are to sustain the will of the American people to support HLS objectives that have no end-state, then the objectives should at least be manageable.

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¹Frank G. Hoffman, "Homeland Security--A Competitive Strategies Approach," March 2002; available from <<http://www.cdi.org/products/homeland.pdf>>; Internet; accessed 15 October 2002.

²Commission on National Security/21st Century, Phase I--New World Coming: American Security in the 21st Century--Major Themes and Implications (Washington, D.C.: U.S. Commission on National Security, 15 September 1999), 4.

³Dana Milbank, "Crisis Brings Shift in Presidential Style," The Washington Post, 12 September 2001, p. 1.

⁴Dave McIntyre, "The National Strategy for Homeland Security: Finding the Path Among the Trees," ANSER Institute for Homeland Security, Journal of Homeland Security (19 July 2002): 10.

⁵Patricia Daukantas, "Work begins on homeland security architecture," 15 November 2002; available from <<http://www.gcn.com/cgi-bin/udt/im.display.printable?client.id=gcndaily2&story.id=20507>>; Internet; accessed 26 November 2002.

⁶Joseph Curl, "Security strategy sees broad new federal role," The Washington Times, 18 July 2002, p.3.

⁷Report of an Independent Task Force Sponsored by the Council on Foreign Relations, America Still Unprepared--America Still in Danger (New York, NY: Publications Office, Council on Foreign Relations, 2002), 9.

⁸*Ibid.*, 14.

⁹Richard A. Falkenrath, "HOMELAND SECURITY: The White House Plan Explained and Examined," 4 September 2002; available from <<http://www.brookings.edu>>; Internet; accessed 12 December 2002; p. 26.

¹⁰John M. Shalikashvili, National Military Strategy of the United States of America (Washington D.C.:The Pentagon, September 1997), 8-9.

¹¹William J. Clinton, A National Security Strategy for A Global Age (Washington, D.C.: The White House, December 2000), 20-25.

¹²George W. Bush, The National Security Strategy of the United States of America (Washington, D.C.: The White House, September 2002), p.i.

¹³George W. Bush, National Strategy for Homeland Security (Washington, D.C.: Office of Homeland Security, July 2002), p.vii.

¹⁴McIntyre, 3.

¹⁵Bush, National Strategy for Homeland Security, 11.

¹⁶McIntyre, 4.

¹⁷Ibid, 5.

¹⁸Falkenrath, 18.

¹⁹Bush, National Strategy for Homeland Security, p.x.

²⁰Curl, 3. In his article, Curl highlights some initiatives of the new homeland security strategy as a laudable effort to account for all the tasks that must be considered. To name a few:

- establish "red teams" to think like terrorists and predict methods, means, and targets of the terrorists
- expand extradition agreements with other nations
- work internationally to standardize foreign travel documents and make U.S. passports harder to forge
- ensure availability of terrorism insurance for U.S. business and property owners
- revise secrecy laws to make it harder for the public to learn about vulnerabilities
- outfit the Coast Guard with new ships and anti-terror gear
- set up lines of succession for state judiciaries
- more closely monitor the 16 million shipping containers that cross into the U.S. each year
- augment vaccine stockpiles and begin research for new antidotes to chemical and biological weapons that could be used in the attack
- enhance FBI's analytical capabilities
- improve cooperation among different levels of federal, state and local governments, and upgrade computer security

²¹Michael B. Donley, "Reading Strategy Between the Lines," August 2002; available from <http://www.homelanddefense.org/journal/Commentary/displayCommentary.asp?comment...>>; Internet; accessed 16 September 2002, 1.

²²Ruth David, "Homeland Security: Building a National Strategy," July 2002; available from <http://www.homelandsecurity.org/journal/articles/davidnatstrategy06282002.html>; Internet; accessed 26 November 2002, 3.

²³Bush, National Strategy for Homeland Security, p.vii.

²⁴McIntyre, 11.

²⁵Falkenrath, 8.

²⁶Ibid.

²⁷Donley, 2.

²⁸Ibid.

²⁹Falkenrath, 4.

³⁰David, 4.

³¹George W. Bush, The Department of Homeland Security (Washington, D.C.:The White House, June 2002), 1.

³²Ibid., 9.

³³Ibid, 12.

³⁴Ibid, 3.

³⁵Ibid.

³⁶Ibid, 1.

³⁷Ivan Eland, "Bush Plan is Just 'Do Something'," 11 June 2002; available from <<http://www.cato.org/cgi-bin/scripts/printtech.cgi/dailys/06-11-02.html>>; Internet; accessed 16 October 2002.

³⁸The Brookings Institution, Assessing the Department of Homeland Security, (Washington, D.C.: The Brookings Institution, July 2002), 23.

³⁹John R. Brinkerhoff, "Reorganizing Is Not the Solution for Homeland Security," July 2002; available from <<http://www.homelandsecurity.org/journal/Articles/displayarticle.asp?article=67>>; Internet; accessed 2 September 2002, 4.

⁴⁰The Brookings Institution, Assessing the Department of Homeland Security, 33.

⁴¹Gareth Morgan, Images of Organization, 2nd ed. (Thousand Oaks, CA: SAGE Publications, 1997), 88.

⁴²The Brookings Institution, Assessing the Department of Homeland Security, 25.

⁴³Ibid., p. viii.

⁴⁴Ibid, 17.

⁴⁵Clinton Brooks, "Homeland Security--What and Whither?," November 2002; available from <<http://www.homelandsecurity.org/journal/Articles/brooks.html>>; Internet; accessed 11 November 2002, 5.

⁴⁶ John Manferdelli, "Microsoft Seeks Industry-Wide Collaboration for 'Palladium' Initiative," 1 July 2002; available from <<http://www.microsoft.com/presspass/features/2002/jul02/07-01palladium.asp>>; Internet; accessed 7 February 2003.

Formerly known as the Palladium project, this Microsoft initiative is now known as the next-generation secure computing base for Windows. It aims to foster a significant evolution in personal and business computing through the development of a new set of features. A new breed of hardware and applications will give individuals and groups of users greater data security, personal privacy, and system integrity. The programs will run on trusted code and greatly reduce the risk of many viruses and spyware--software that captures and reports information from inside your PC--and other attacks. The end result is a system with security similar to a closed-architecture system but with the flexibility of the open Windows platform. Microsoft is seeking industry-wide collaboration in this initiative from organizations interested in the security of sensitive information, such as financial services, healthcare, and government.

⁴⁷ Joseph R. Barnes, "Reorganizing for Homeland Security: Lessons From Fifty Years of Organizing and Reorganizing the Department of Defense," June 2002; available from <<http://www.homelandsecurity.org/journal/Commentary/barnes25June2002.html>>; Internet; accessed 24 October 2002, 1.

⁴⁸ Eland, 2.

⁴⁹ McIntyre, 8.

⁵⁰ Ibid., 9.

⁵¹ The Brookings Institution, Assessing the Department of Homeland Security, 40.

⁵² Brinkerhoff, 5.

⁵³ The Brookings Institution, Assessing the Department of Homeland Security, 22.

⁵⁴ "Organizing for Success," 7 May 2002; available from <<http://www.brook.edu/dybdocroot/fp/projects/homeland/chapter7/pdf/orgs.htm>>; Internet; accessed 11 November 2002, 108.

⁵⁵ Brinkerhoff, 10.

⁵⁶ Lee S. Strickland and Jennifer Willard, "Reengineering the Immigration System: A Case for Data Mining and Information Assurance to Enhance Homeland Security," October 2002; available from <<http://www.homelandsecurity.org/journal/Articles/strickland.html>>; Internet; accessed 11 November 2002, 9.

⁵⁷ Bush, The Department of Homeland Security, 5.

⁵⁸ Council on Foreign Relations, America Still Unprepared--America Still in Danger, 22.

⁵⁹Ibid, 23.

⁶⁰George J. Woods <george.woods@carlisle.army.mil>, "USCG and Homeland Security," electronic mail message to Elizabeth Wilson <elizabeth.wilson@carlisle.army.mil>, 2 January 2003.

⁶¹"United Kingdom Agrees to Join Customs Container Security Initiative," FEDagent Weekly E-Report 12 December 2002 [journal on-line]; available from <<http://www.fedagent.com/121202.htm>>; Internet; assessed 12 December 2002.

⁶²James M. Loy and Robert G. Ross, "Global Trade: America's Achilles Heel," Defense Horizons—a publication of the Center for Technology and National Security Policy, National Defense University (February 2002), 2.

⁶³Stephen Jasak, Susan Rose, Carl Henry, Sean Murphy, Nitsan Alon, Pamela Duncan, Philip Irish and Mary McCully, "Envisioning a Truly Transformational Homeland Security Strategy," August 2002; available from <http://www.homelandsecurity.org/journal/Articles/Irish_class_project.html>; Internet; accessed 22 October 2002, 3.

⁶⁴John P. Kotter, Leading Change (Boston, MA: Harvard Business School Press, 1996), 11.

⁶⁵Ibid., 156-157.

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